

Retained EU Law (Revocation and Reform) Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 17

LORD WHITTY

After Clause 17, insert the following new Clause –

“Environmental protection and food standards

- (1) Regulations may not be made by a relevant national authority under section 13, 14, 16 or 17 unless the relevant national authority is satisfied that the regulations do not –
 - (a) reduce the level of environmental protection arising from the retained EU law to which the provision relates,
 - (b) reduce the level of protection of consumers in relation to the safety, composition or labelling of food arising from the retained EU law to which the provision relates, or
 - (c) conflict with the relevant international environmental agreements.
- (2) Prior to making any provision to which this section applies, the relevant national authority must –
 - (a) seek advice from persons who are independent of the authority and have relevant expertise,
 - (b) seek advice from, as appropriate, the Office for Environmental Protection, Environmental Standards Scotland, a devolved environmental governance body or another person exercising similar functions, the Food Standards Agency, and Food Standards Scotland, and
 - (c) publish a report setting out –
 - (i) how the provision does not reduce the level of environmental or consumer protection in accordance with subsection (1), and
 - (ii) how the authority has taken into account the advice from the persons referred to in paragraphs (a) and (b) of this subsection.
- (3) In this section “relevant international environmental agreements” means –
 - (a) the UNECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus, 25 June 1998);

- (b) the Council of Europe's Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979);
- (c) the UN Convention on Biodiversity (Rio, 1992);
- (d) the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);
- (e) the Convention for the Protection of the Marine Environment of the North-East Atlantic (1992);
- (f) the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971)."

Member's explanatory statement

This new Clause creates additional conditions to be satisfied before the powers in Clauses 13, 14, 16 or 17 can be exercised where the subject matter of their exercise concerns law relating to environmental protection or food standards. It would also require the Government to seek the advice of the relevant independent expert statutory bodies.

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